IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

and
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 15949 of 2004

Between:

B. Manohar Goud, S/o Narsimlu Goud,
R/o Sardar Road, Sadasivapet, Medak District.

..... PETITIONER

AND

1 Regional Transport Authority, Sangareddy,Medak District.
2 Assistant Motor Vehicles Inspector, Enforcement, Medak District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus or any other appropriate writ or writs order or direction declaring the seizure of lorry bearing registration No. A.A.T. 4370 by the 2nd respondent herein under check report No. 1870356, dt. 24-8-2004 is illegal, arbitrary and without jurisdiction and set-aside the same and consequently direct them to release the vehicle bearing registration No. A.A.T. 4370 to the petitioner forthwith.

Counsel for the Petitioner:MR.MANTURVENKATRAM REDDY

Counsel for the Respondents : GP FOR TRANSPORT

The Court at the admission stage, made the following :

–

–

ORDER : (per Sri Bilal Nazki, J)

Heard learned Counsel for the parties. Parties have no objection if the Writ Petition is disposed of at this stage.

The vehicle of the petitioner was stopped, which was carrying cheap liquor. Allegations are that it was also moving without permit, no proof of F.C. validity, I.C. was also not produced, proof of payment of tax was also not shown. The learned Counsel for petitioner however submits that the vehicle was idle and had only come on road on the day it was checked, therefore he is not liable to pay any tax. That is the matter which has to be gone into in the enquiry.

In these circumstances, we direct release of vehicle on payment of tax due. However, payment of tax demanded by the respondents at this stage, shall remain subject to outcome of the enquiry proceedings. The vehicle shall not be in the meantime disposed of, third party interest shall not be created.

Writ Petition is accordingly disposed of. No costs.

_____

(BILAL NAZKI, J)

9th September, 2004.

_____

(S.ANANDA REDDY, J)

N.B:

Wire at party's cost.

(B/o)

ajr

To

1 The Regional Transport Authority, Sangareddy,Medak District.
2 The Assistant Motor Vehicles Inspector, Enforcement, Medak District.

3 Two C.Cs. to the Government Pleader for Transport, High Court

Buildings, Hyderabad (O.U.T).

4 Two C.D. copies.